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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,866	07/10/2003	Carl Mies	895,080-017	1462
7590 06/21/2007 GLEN M. KUBOTA MORRISON & FOERSTER, LLP 555 WEST FIFTH STREET LOS ANGELES, CA 90013			EXAMINER PHAN, TRI H	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 06/21/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/616,866

Applicant(s)

MIES ET AL.

Examiner

Tri H. Phan

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 7 is/are rejected.
- 7) ☐ Claim(s) 2-6 and 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 5/31/05;12/07/2006.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Communication(s)***

1. This Office Action is in response to the Application filed on July 10<sup>th</sup>, 2003. Claims 1-8 are now pending in the application.

### ***Specification***

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
3. The attempt to incorporate subject matter into this application by reference to "Method and Apparatus for Switching Fibre Channel Arbitrated Loop Devices" is improper, because the US Patent Application Number is missing.

### **Claim Objections**

4. Claims 1, 3 and 7 are objected to because of the following informalities: Applicant is respectfully suggested to be spell out the abbreviations of "LIP and ALPA" in claim 1, 3 and 7.

### ***Double Patenting***

5. Claim 1 of the instant application is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 7 of copending Application No. 10/612753. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said first port" in line 7. There is insufficient antecedent basis for this limitation in the claim 1.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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9. Claims 1 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Berman, Stuart B.** (U.S.6,185,203; hereinafter refer as '5203') in view of **Berman, Stuart B.** (U.S.6,118,776; hereinafter refer as '8776').

- In regard to claims 1 and 7, **5203** discloses method and apparatus for transporting frames in a Fibre Channel Switching Fabric system (see Figs. 1-29 and in the respective portions of the specification), which comprise

*a plurality of Fibre Channel Arbitrated Loop ports each including port logic* (for example see figs. 1-3; col. 6, lines 39-43; col. 8, lines 39-60; col. 9, lines 40-46; wherein each port has separate port control module),

*a route determination apparatus* ('fabric router 52' in fig. 2; 'route determination module 501' in fig. 20; for example see col. 10, lines 51-63; col. 17, lines 20-29),

*a crossbar switch adapted to connect the Fibre Channel Arbitrated Loop ports based on the receipt of certain Fibre Channel Arbitrated Loop primitives* ('switch core' in figs. 2 and 6; for example see col. 25, lines 21-29); but fails to explicitly disclose "*whereby loop initiation primitive received on first port is selectively propagated to one or more of the ports*". However, such implementation is known in the art.

For example, **8776** discloses, in the same endeavor, successfully claims method step of resetting by transmitting a loop initialization primitive on ports having arbitrary loops, e.g. "*selectively propagated to one or more of the ports*", (for example see col. 9, lines 24-28; col. 16, lines 54-64; col. 22, lines 34-47).

Thus, it would have been obvious to those skilled in the art at the time of the invention was made to modify the **5203**'s switching fabric system, by utilizing the protocol of loop initialization, as in **8776**, by using LIP frames based upon a predefined LIP blocking list.

***Allowable Subject Matter***

10. Claim 2-6 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Black et al.** (U.S.6,614,796) and **Kranzler, David A.** (U.S.6,396,832) are all cited to show devices and methods for improve the switched arbitrated loop in telecommunication architectures, which are considered pertinent to the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri H. Phan, whose telephone number is (571) 272-3074. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H. Pham can be reached on (571) 272-3179.

**Any response to this action should be mailed to:**

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**Commissioner of Patents and Trademarks**

Washington, D.C. 20231

**or faxed to:**


**(571) 273-8300**

Hand-delivered responses should be brought to Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office, whose telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tri H. Phan  
June 18, 2007

  
CHI PHAM  
SUPERVISORY PATENT EXAMINER  
6/18/07